

(PCT Article 36 and Rule 70)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/052781

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 2, 6-12 as originally filed/furnished
- pages\* 3-5, 5a received by this Authority on /filed with the demand
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 8, 9 as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-7 received by this Authority on /filed with the demand
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/4-4/4 as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>4-7</u>	YES
		Claims <u>1-3</u>	NO
	Inventive step (IS)	Claims <u>4-7</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-7</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following document:		
	D1: US-B1-6 428 206 (WATANABE NAOTO) 6 August 2002 (2002-08-06)		
2.	<p>The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claim 1 lacks novelty (PCT Article 33(2)).</p> <p>Document D1 (the references between parentheses refer to that document) discloses (see figure 2) a patient resting device which comprises a positioning device (4, 5, 6) and a patient resting table (8), the positioning device being underneath the patient. Furthermore, said known positioning device has a curved arm (4, 5), in which only the X-ray source <b>and not</b> the X-ray detector can be mounted so as to be displaceable in the direction of the curve (see also figures 6B and 6C: even when the X-ray source has reached its end position, the X-ray detector cannot be mounted in the arms 5, 6) and a base (6), in which the arm</p>		

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	<p>(4, 5) is mounted so as to be displaceable in the direction of the curve.</p> <p>D1 thus discloses the combination of features from claim 1, the subject matter of which therefore lacks novelty (PCT Article 33(2)).</p> <p>3. Dependent claims 2 and 3 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (PCT Article 33(2)), since D1 discloses a second curved arm (4, 5) and an X-ray detector which can be mounted so as to be displaceable in the radial direction relative to the curve (see column 6, lines 26-30).</p> <p>4. The combinations of features contained in dependent claims 4 and 6 are neither disclosed nor suggested by the available prior art, since none of the available documents discloses an X-ray source or X-ray detector which is mounted so as to be displaceable in all directions and is arranged separately from the positioning device. The same applies to claims 5 and 7, which are dependent on claims 4 and 6, respectively.</p>